

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CELL AND NETWORK SELECTION
LLC,**

vs.

BLACKBERRY CORP., *et al.*

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CIVIL ACTION NO. 6:13-CV-563

ORDER

Plaintiff Cell and Network Selection, LLC filed the above-styled cause on July 31, 2013. To date, Defendants Nokia Corp. and Nokia, Inc. have not filed answers or been dismissed from this suit.

On August 9, 2013, summonses were issued as to all Defendants, except for Nokia Corp. and Nokia, Inc. *See* Docket No. 7. There is no evidence that Defendants Nokia Corp. and Nokia, Inc. have been served. Federal Rule of Civil Procedure 4(m) requires service within 120 days after a complaint is filed, otherwise “the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” FED. R. CIV. P. 4(m). Plaintiff’s 120 day deadline for service expired on November 28, 2013.

Accordingly, the Court **ORDERS** that Plaintiff show good cause by January 17, 2014 for why Defendants Nokia Corp. and Nokia, Inc. should not be dismissed without prejudice for failure to prosecute.

So ORDERED and SIGNED this 8th day of January, 2014.


K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE